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14 *Attorneys for Defendants and Counter-Claimants*

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 INTUITIVE IMAGING INFORMATICS,
18 LLC, a Nevada limited liability company,
Plaintiff,

19 v.

20 INTUITIVE SURGICAL OPERATIONS,
21 INC., a Delaware corporation, INTUITIVE
SURGICAL, INC., a Delaware
22 corporation, INTUITIVE SURGICAL
HOLDINGS, LLC, a Delaware limited
23 liability company, INTUITIVE
FLUORESCENCE IMAGING, LLC, a
24 Delaware limited liability company,
INTUITIVE SURGICAL SERVICE
25 OPTICS, INC., a Massachusetts
corporation, and DOES 1-10, inclusive,
26 Defendants.

27
28 AND RELATED COUNTERCLAIMS

CASE NO. 2:23-cv-10593-DSF-RAO

Honorable Dale S. Fischer

**DEFENDANTS' APPLICATION
FOR LEAVE TO FILE CERTAIN
DOCUMENTS UNDER SEAL**

*(Declaration of Eleanor M. Lackman
and [Proposed] Order filed
concurrently)*

Filing Date: 12/18/2023
Trial Date: 12/09/2025

Pursuant to Local Rule 79-5.2.2, Defendants and Counter-Claimants Intuitive Surgical Operations, Inc., Intuitive Surgical, Inc., Intuitive Surgical Holdings, LLC, Intuitive Fluorescence Imaging, LLC, and Intuitive Surgical Service Optics, Inc. (collectively, “Defendants”), through their undersigned counsel, hereby submit this Application for Leave to File Certain Documents Under Seal (the “Application”) in connection with Defendants’ Motion for Stay and Order Regarding New Counsel (the “Motion”), the Declaration of Eleanor M. Lackman (“Lackman Declaration”) filed concurrently with, and in support of, the Motion, and Exhibits A and B appended to the Lackman Declaration.

This Court has inherent discretion to order documents to be filed under seal. *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 599 (1978)). There is good cause here to grant this requested relief because the Motion, the Lackman Declaration, and Exhibits A and B to the Lackman Declaration contain information regarding the medical condition of Edward Saadi, Plaintiff Intuitive Imaging Informatics, LLC’s (“Plaintiff”) counsel, which Plaintiff’s office has indicated will cause an interruption in the schedule of the case.

Courts throughout the Ninth Circuit have recognized that the need to protect medical privacy generally qualifies as a compelling reason to seal records. *See, e.g., San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, No. C 10-02258 SBA, 2011 WL 89931, at *n.1 (N.D. Cal. Jan. 10, 2011) (*sua sponte* sealing documents containing medical information because “medical records are deemed confidential”); *Heldt v. Guardian Life Ins. Co. of Am.*, 2018 WL 5920029, at *2 (S.D. Cal. 2018) (“The need to protect medical privacy qualifies as a ‘compelling reason’ to seal documents.”); *Domingo v. Brennan*, 690 Fed. Appx. 928, 930 (9th Cir. 2017) (holding that the district court properly granted defendant’s motion to file documents under seal because the documents contained sensitive medical information).

1 This application is tailored to include only the information that contains such
2 sensitive medical information: nearly the entire Motion focuses on the medical
3 information provided by Mr. Saadi's office, as do the Lackman Declaration and
4 Exhibits A and B to the Lackman Declaration. To the extent the Court requests,
5 Defendants will file a redacted version of the documents on ECF.

6 Accordingly, Defendants respectfully request that the Court grant this
7 Application to file the Motion, the Lackman Declaration, and Exhibits A and B to
8 the Lackman Declaration under seal.

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10 DATED: OCTOBER 7, 2024

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14 By: /s/ Eleanor M. Lackman

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